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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,369	12/18/2000	Alejandro Wiechers	10001311-1	8361

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EXAMINER

WORLOH, JALATEE

ART UNIT	PAPER NUMBER
	3621

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/749,369	WIECHERS, ALEJANDRO
	<b>Examiner</b> Jalatee Worjloh	<b>Art Unit</b> 3621 <i>MW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 December 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5,7-13,15,17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5,7-13,15,17,19 and 20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 12, 2003 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 17 rejected under 35 U.S.C. 102(a) as being anticipated by International Publication No. WO 00/48098 to Carden.

Carden discloses receiving the authored work within the communications network, allocating the authored work to a remote service provider for content editing electronically via the communications network to facilitate converting the authored work to a commercial-grade publication such that a galley is created from the authored work, returning the galley to the author for creation of the commercial grade publication from the galley, converting the authored work to a resulting commercial-grade publication and storing the commercial grade publication

for subsequent publication without modification (see pg. 3, lines 10-12; pg. 7, lines 12-16; claims 1 & 4).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 7-13, 15,16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication No. WO 00/48098 to Carden in view of U.S. Publication No. 2002/0035697 to McCurdy et al.

Referring to claims 1, Carden discloses a publisher for converting the authored work to a resulting commercial-grade publication wherein the publisher is linked to at least one remote service provider for remote electronic editing of the authored work for content such that a galley is created from the authored work and for returning the galley to the author for creation of the commercial grade publication from the galley, a repositor linked with the publisher for storing the commercial-grade publication (see pg. 3, lines 10-12; pg. 7, lines 12-16; claims 1 & 4).

Carden does not expressly disclose a sales manager linked with the repositor for retrieving the commercial-grade publication from the repository and distributing that commercial-grade publication without modification. McCurdy et al. disclose a sales manager (i.e. “magazine encryption and distribution service”) linked with the repositor for retrieving the commercial-grade publication from the repository and distributing that commercial-grade publication without

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modification (see paragraphs [0088] & [0098]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Carden to include a sales manager linked with the repositor for retrieving the commercial-grade publication from the repository and distributing that commercial-grade publication without modification. One of ordinary skill in the art would have been motivated to do this because it provides an effective means for selling electronic publications.

Referring to claim 2, Carden discloses a publisher and a repositor (see claim 1 above). Carden does not expressly disclose an encoder linked with the publisher, the repositor, and the sales manger for securing information associated with the authored work from unsolicited disclosure outside the network addressable device. McCurdy et al. disclose an encoder (i.e. "magazine encryption and distribution service") linked with the publisher, the repositor, and the sales manger for securing information associated with the authored work from unsolicited disclosure outside the network addressable device (see paragraphs [0088] & [0091]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Carden to include an encoder linked with the publisher, the repositor, and the sales manger for securing information associated with the authored work from unsolicited disclosure outside the network addressable device. One of ordinary skill in the art would have been motivated to do this because it provides data security.

Referring to claim 3, Carden discloses the device wherein the network addressable device is coupled to a browser (see pg. 27, lines 2-6).

Referring to claim 5, Carden discloses a publisher (see claim 1 above). Carden does not expressly disclose the publisher interfaces with a remote service provider for preparing the

authored work for marketability. McCurdy et al. disclose the publisher interfaces with a remote service provider for preparing the authored work for marketability (see section [0193]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Carden to include the publisher interfacing with a service provider for preparing the authored work for marketability. One of ordinary skill in the art would have been motivated to do this because it provides an effective means for selling electronic publications.

Referring to claim 7, Carden discloses a repositor (see claim 1 above). Carden does not expressly disclose the repositor provides the commercial-grade publication to the sales manager. McCurdy et al. disclose the repositor provides the commercial-grade publication to the sales manager (see paragraph [0088], [0098]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Carden so that the repositor provides the commercial-grade publication to the sales manager. One of ordinary skill in the art would have been motivated to do this because it provides an effective means for selling electronic publications.

Referring to claim 8, Carden discloses a publisher and repositor (see claim 1 above). Carden does not expressly disclose a sales manager, which distributes the commercial-grade publication in a format compatible with electronic media. McCurdy et al. disclose the sales manager distributing the commercial-grade publication in a format compatible with electronic media (see section [0106]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Carden to include a sales manager distributing the commercial-grade publication in a format compatible with electronic

media. One of ordinary skill in the art would have been motivated to do because it makes the publication accessible to various platforms/users.

Referring to claim 9, Carden discloses a device for publishing documents (see claim 1 above). Carden does not expressly disclose the sales manager accounts for each distribution of the commercial-grade publication for purposes of collecting revenue. McCurdy et al. disclose the sales manager accounting for each distribution of the commercial grade publication for purposes of collecting revenue (see section [0107]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclosed by Carden to include a sales manager for accounting for each distribution of the commercial-grade publication for purposes of collecting revenue. One of ordinary skill in the art would have been motivated to do this because it provides an effective means for selling electronic publications.

Referring to claim 10, Carden discloses the network addressable device is linked with the Internet communications network (see pg. 14, liens 24 & 25).

Referring to claim 11, Carden discloses a communications network (see claim 1 above). Carden does not expressly disclose the device is linked with an intranet communications network. McCurdy et al. disclose device wherein the device is linked with the intranet (see section [0080], lines 15-17). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclosed by Carden to include an intranet communications network. One of ordinary skill in the art would have been motivated to do this because it allows organizations to communicate using an inexpensive network.

Referring to claims 12 and 16, Carden discloses a first computer program code for converting the authored work to a resulting commercial-grade publication wherein the first computer program code interfaces with a remote service provider for remote electronic editing of the authored work for content such that a galley is created authored work and for returning the galley to the author for creation of the commercial grade publication from the galley, a second computer program code linked with the publisher for storing the commercial-grade publication (see pg. 3, lines 10-12; pg. 7, lines 12-16; claim 17). Carden does not expressly disclose third computer program code linked with the repositor for retrieving the commercial-grade publication from the repository and distributing that commercial-grade publication without modification.

McCurdy et al. disclose a third computer program code linked with the second for retrieving the commercial-grade publication from storage and distributing that commercial-grade publication without modification (see paragraphs [0086], [0088] & [0098]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the computer program cod disclose by Carden to include a third computer program code linked with the second computer program code for retrieving the commercial-grade publication from the storage and distributing that commercial-grade publication without modification. One of ordinary skill in the art would have been motivated to do this because it provides an effective means for selling electronic publications.

Referring to claim 13, Referring to claim 9, Carden discloses a computer program code (see claim 12 above). Carden does not expressly disclose the third computer program code accounts for each distribution of the commercial-grade publication for purposes of collecting revenue. McCurdy et al. disclose the computer program code wherein the third computer

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program code accounts for each distribution of the commercial grade publication for purposes of revenue (see section [0086], lines 1-8; [0107]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the computer code disclose by Carden to include a third computer code for accounting for each distribution of the commercial-grade publication for purposes of collecting revenue. One of ordinary skill in the art would have been motivated to do this because it provides an effective means for selling electronic publications.

Referring to claim 15, Carden discloses a computer program code (see claim 12 above). Carden does not expressly disclose the third computer program code interfaces with a remote service provider for preparing the authored work for marketability. McCurdy et al. disclose the computer program code wherein the publisher interfaces with a remote service provider for preparing the authored work for marketability (see section [0086], lines 1-8; [0193]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Carden to include the third computer code interfacing with a service provider for preparing the authored work for marketability. One of ordinary skill in the art would have been motivated to do this because it provides an effective means for selling electronic publications.

6. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carden as applied to claim 17 above, and further in view of McCurdy et al.

Carden discloses a method of a method for publishing commercial grade publication (see claim 17 above). Carden does not expressly disclose distributing the commercial-grade publication. McCurdy et al. disclose distributing the commercial-grade publication (see

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paragraphs [0088] and [0098]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Carden to include the step of distributing commercial-grade publication. One of ordinary skill in the art would have been motivated to do this because it provides an effective means for selling electronic publications.

Referring to claim 20, Carden discloses a method publishing commercial-grade publication (see claim 17 above). Carden does not expressly disclose formatting the commercial-grade publication for publication for compatibility with electronic media. McCurdy et al. disclose the formatting the commercial-grade publication for publication for compatibility with electronic media. (see section [0106]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device disclose by Carden to include the step formatting the commercial-grade publication for publication for compatibility with electronic media. One of ordinary skill in the art would have been motivated to do because it makes the publication accessible to various platforms/users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306, 703-746-9443 for Non-Official/Draft.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

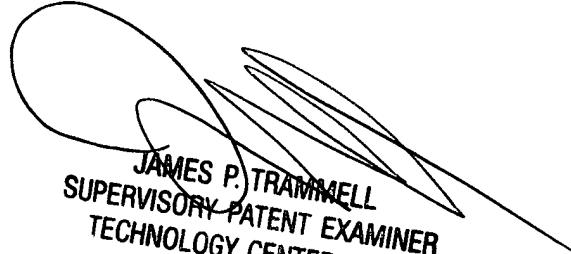
Any response to this action should be mailed to:

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, V.A., Seventh floor receptionist.

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February 11, 2004



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